

ENTERED

March 31, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISIONYESTER AVILA, *individually and* §
on behalf of all others similarly §
situated, §

Plaintiffs. §

VS. §

SLSCO, LTD., *et al.*, §

Defendants. §

CIV. ACTION NO. 3:18-cv-00426

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On November 6, 2020, all dispositive and non-dispositive pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(A) and (B). *See* Dkt. 71. Judge Edison filed a memorandum and recommendation on March 15, 2022, recommending that SLSCO, Ltd.'s motion for conditional class decertification, Dkt. 88, be granted, and SLSCO, Ltd.'s motion for motion for summary judgment, Dkt. 89, be granted in part and denied in part. *See* Dkt. 109.

No objections have been filed to the memorandum and recommendation. Accordingly, the court reviews it for plain error on the face of the record. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the court finds that there is no plain error apparent from the face of the record. Accordingly:

- (1) Judge Edison's memorandum and recommendation, Dkt. 109, is approved and adopted in its entirety as the holding of the court; and
- (2) SLSCO, Ltd.'s motion for conditional class decertification, Dkt. 88, is **GRANTED**, and the opt-in plaintiffs are **DISMISSED** without prejudice.
- (3) SLSCO, Ltd.'s motion for summary judgment, Dkt. 89, is **GRANTED in part** and **DENIED in part**;
- (4) The claims brought by Plaintiff Caleb Browne are **DISMISSED** with prejudice; and
- (5) The claims brought by Plaintiff Yester Avila shall proceed to trial.

Signed on Galveston Island this 31st day of March, 2022.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE